

Oct 04, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KYNTREL JACKSON,

Plaintiff,

v.

SHAWNA PATZKOWSKI and R.
ZARAGOZA,

Defendants.

No. 4:17-CV-05189-SMJ

**ORDER DENYING MOTION FOR
RECONSIDERATION**

Before the Court, without oral argument, is Plaintiff Kyntrel Jackson's Motion for Reconsideration, ECF No. 61. Plaintiff requests that the Court reconsider its denial of his Motion for Preliminary Injunction, ECF No. 58. On September 26, 2018, the Court ordered Defendants to respond. ECF No. 62. On October 2, 2018, Defendants responded. ECF No. 63.

As a preliminary matter, Plaintiff's motion for reconsideration exceeds the page limits imposed by the Court in its Scheduling Order. *See* ECF No. 54 at 9. Given that the motion has been handwritten, especially by a *pro se* litigant, the Court exercises leniency. However, Plaintiff is advised that future noncompliance with the Court's orders may result in prejudice. The Court now turns to the merits.

1 In its order denying Plaintiff's motion for preliminary injunction, the Court
2 concluded that it had no jurisdiction over the matter because the factual allegations
3 in Plaintiff's motion had no nexus to the factual allegations underlying his First
4 Amendment and Religious Land Use and Institutionalized Persons Act claims. ECF
5 No. 58 at 5; *See Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631,
6 635 (9th Cir. 2015). In his Amended Complaint, Plaintiff seeks only injunctive
7 relief to allow him to receive a Satanist ritual book. In his motion for
8 reconsideration, Plaintiff argues a nexus exists because his inability to receive his
9 legal mail prevents him from making arguments in furtherance of his underlying
10 claims. ECF No. 61 at 1.

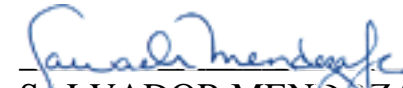
11 The Court is unpersuaded. First, Plaintiff's new argument that he is no longer
12 receiving his legal mail, as opposed to his original argument that the mailroom staff
13 was opening his mail, belies his own grievances to prison staff. *See* ECF No. 61 at
14 25–26. Second, Plaintiff's likelihood of success in showing that Defendants did not
15 provide him his legal mail is low, and indeed, Plaintiff's hearty participation in the
16 case demonstrates that he is receiving all filings, at least in this matter. Third,
17 Plaintiff does not demonstrate why the prison staff's mistake in opening his mail,
18 *see* ECF No. 64, is connected to their denial of his Satanist book. And he cannot
19 show this because no such nexus exists.

20 Accordingly, **IT IS HEREBY ORDERED:**

1 Plaintiff's Motion for Reconsideration, **ECF No. 61**, is **DENIED**.

2 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
3 provide copies to Plaintiff and all counsel.

4 **DATED** this 4th day of October 2018.

5 
6 SALVADOR MENDOZA, JR.
United States District Judge